

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento CA 95814



December 7, 1989

ALL-COUNTY LETTER NO. 89-103

TO: ALL COUNTY WELFARE DIRECTORS
ALL COUNTY GAIN COORDINATORS

SUBJECT: NOTICES OF ACTION FOR THE GREATER AVENUES FOR
INDEPENDENCE (GAIN) SUPPORTIVE SERVICES

The purpose of this letter is to transmit instructions to Counties regarding the requirements to provide Notices of Action (NOAs) for GAIN supportive services. Effective immediately, Counties are required to implement the procedural guidelines contained in this letter.

The State Department of Social Services (SDSS) in collaboration with a County NOA Workgroup is developing NOA messages for GAIN Supportive Services. In the interim, Counties shall prepare NOA language and provide NOAs to affected GAIN participants using the guidelines provided in this All-County Letter (ACL).

The NOAs to GAIN participants are required when supportive services are approved, denied, increased, decreased or terminated. As specified below, supportive services must be paid pending the hearing ("Supportive Services Pending") if the GAIN participant files a request for a state hearing timely and continues to participate in GAIN. Supportive Services Pending does not affect the AFDC grant.

We are currently reviewing the final Federal regulations implementing the Family Support Act of 1988, and we will be determining the impact of applicable notification requirements on the provision of supportive services NOAs.

I. Supportive Services Authorizations

All-County Letter 88-64, Section B, Supportive Services, provides that Counties shall design their own forms to record client supportive services needs and arrangements. The information collected in these documents provides the elements necessary to determine the level of services to be authorized.

Each GAIN Contract Activity Agreement contains a general statement which incorporates those documents by reference, making the documents part of the GAIN Contract. This set of documents will be referred to as the Supportive Services Addendum to the GAIN Contract Activity Agreement. As stated in the GAIN Contract, a copy of the supportive services arrangements (authorization) shall be provided to participants.

Counties may limit supportive services payments to the maximum supportive services authorization noted on the Supportive Services Addendum and the NOA when there is insufficient justification to support an increase to the maximum.

II. NOA Requirements

In accordance with MPP 22-021 et al., adequate NOAs are required when aid is granted, denied, or increased. In the case of aid reduction, suspension or termination, the NOA must be both adequate and timely. Also, changes in method of payment require adequate and timely notice. Timely notices are not required in specified situations (see MPP 22-022.2) although the County is required to send adequate notice no later than the effective date of the action.

In this context, supportive services constitute "aid," and the NOA requirements are applicable. Supportive Services Pending the hearing are available for reductions and terminations of supportive services when (1) the participant files a request for a fair hearing prior to the effective date of the NOA; and (2) continues to participate in GAIN in accordance with her/his GAIN Activity Agreement. Therefore, GAIN participants who meet these two conditions can continue to receive supportive services up to the level authorized prior to the issuance of the NOA or up to the amount claimed by the participant, whichever is less.

A. Policy Changes

When a County makes a policy change which will adversely affect the level of supportive services provided, affected participants must be provided adequate and timely notice. Supportive Services Pending the hearing are available for reductions and terminations when the participant files a request prior to the effective date of the action and continues to participate in GAIN.

B. Individual Case Actions

Notices of Action notifying GAIN participants of their initial and subsequent supportive services authorization will be given or mailed once the Supportive Services Addendum to the GAIN Contract Activity Agreement has been completed. Each NOA must summarize the key information collected in the Supportive Services Addendum and the County's determination on supportive services. To the maximum extent feasible, child care and other arrangements should be finalized at the time the NOA is sent.

The NOAs must reflect the estimated maximum number of hours of child care, mileage, parking fees, etc., authorized to enable the individual to participate in the GAIN activity.

These key information items are as follows:

1. Child Care

- Effective date of authorization
- Child care maximum (total dollar amount and total hours authorized)
- Name(s) of children receiving child care
- Formula used to determine maximum (daily/monthly hours x rate = total)
- Method of payment (advance or arrears, direct or vendor payments)
- Explanation of rate of reimbursement
- Type of Provider (licensed or license-exempt, child care center or family home)
- Limitation to services as necessary for participation in the authorized GAIN component
- Where applicable, specific reason for change

2. Transportation

- Effective date of authorization
- Transportation maximum (total dollar amount, total hours, total mileage)
- Explanation of rate of reimbursement
- Formula used to determine maximum (rate x miles, parking rate x days, public transportation rate x days; daily/monthly)
- Number of bus passes provided
- Method of payment (advance or arrears, direct or vendor payment)

- Limitation to services as necessary for participation in the authorized GAIN component
- Where applicable, specific reason for change

3. Ancillary Expenses

- Effective date of authorization
- Ancillary expense amount
- Items approved (books, tools, clothes, other)
- Method of payment (advance or arrears, direct or vendor payment)
- Limitation to services as necessary for participation in the authorized GAIN component
- Where applicable, specific reason for change

Changes in any of these items listed above will require a NOA.

III. Timing of NOA

A. Timely (10 Days)

As mentioned above, certain actions require NOAs that are timely. In accordance with MPP 22-021 et al., a timely notice is one sent at least 10 days prior to the effective date of the action. The following actions on supportive services authorizations require timely notice:

1. Decreases in the maximum authorization for supportive services resulting from either a change in individual circumstances or a change in State or County policy.
2. Termination of services resulting from either a change in individual circumstances or a change in State or County policy. However, when a supportive services authorization period is one calendar month or less and the end date is provided in the NOA, no termination NOA is required.

B. Concurrent

When the supportive services payment is equal to the amount claimed and within the authorized maximum, no NOA is needed. However, there will be instances in which the County issues a supportive services payment that is less than the amount claimed for reimbursement but within the authorized maximum. In those situations, a NOA must be issued concurrently with the

payment. Supportive Services Pending are available if the participant (1) files for a hearing within 10 days after the mailing date of the NOA; and (2) continues to participate in GAIN. The Supportive Services Pending payment is the difference between the amount the County issued and the amount the individual claimed up to the authorized maximum.

C. Adequate

NOAs regarding actions constituting an approval, denial, or increase of supportive services need not be timely. However, Counties are encouraged to issue these NOAs prior to the effective date of the action. Amounts claimed by participants in excess of the authorized maximum are considered requests for an increase in the maximum. An action by the County to deny such a request by cutting the claim back to the maximum is considered a denial of the request to increase the maximum. Similarly, when the County does not grant a request for an increase in the amount of the advance, this is considered a denial of the request to increase the maximum.

IV. General Information to be Included in all NOA Messages

Notices must specify what information was used or what calculations were made to justify the change in the supportive services. The NOA messages must include the specific reason for a change in supportive services. In addition to the applicable regulatory cites, Counties must note in the NOA that copies of applicable written County policies and procedures regarding supportive services are available for review. All NOAs must include the client's right to file for a hearing.

A description of the following rules must be included in the GAIN Supportive Services NOAs for reductions, terminations, and suspensions:

- A. Client's right to receive Supportive Services Pending if they request the hearing timely.

When the notice is issued in advance of the effective date of the action, Supportive Services Pending are available if the participant files for a hearing before the effective date of the action.

When the notice is issued concurrently, Supportive Services Pending are available if the participant files for a hearing within 10 days after the mailing date of the NOA.

- B. Client's receipt of Supportive Services Pending is conditioned on his/her continued participation.
- C. If the client's claim is denied or dismissed at the hearing, the Supportive Services Pending amount is an overpayment. (Note: the County shall take no action to collect these supportive services overpayments, pending further direction from SDSS.)

Counties should use the blank NA 290 (5/87) form to notify clients of supportive services determinations. The current NOA back (NA 6) shall be used for the GAIN Supportive Services NOAs (see attachment).

V. NOA Instructions for Other GAIN Determinations


A. Transitional Child Care

The SDSS plans to issue instructions on this notification requirement in a separate ACL within the next two months.

B. Other Case Actions

The SDSS is currently determining the notification requirements for other case actions such as exemption and deferral determinations, Self-Initiated Program approval and denials, and good cause determinations. We will be issuing instructions on these notification requirements in a separate ACL.

If you have any questions regarding this letter or concerns regarding any budget constraints due to these requirements, please contact your County GAIN and Employment Services Operations Bureau Analyst at (916) 324-6962 or ATSS 454-6962.


DENNIS J. BOYLE
Deputy Director

cc: CWDA

Attachment

YOUR HEARING RIGHTS

To Ask For a State Hearing

The right side of this sheet tells how.

- You only have 90 days to ask for a hearing.
- The 90 days started the day after we mailed this notice.
- You have a much shorter time to ask for a hearing if you want to keep your same benefits.

To Keep Your Same Benefits While You Wait For a Hearing

You must ask for a hearing before the action takes place.

- Your Cash Aid will stay the same until your hearing.
- Your Medi-Cal will stay the same until your hearing.
- Your Food Stamps will stay the same until the hearing or the end of your certification period, whichever is earlier.
- If the hearing decision says we are right, you will owe us for any extra cash aid or food stamps you got.

To Have Your Benefits Cut Now

If you want your Cash Aid or Food Stamps cut while you wait for a hearing, check one or both boxes.

☐ Cash Aid ☐ Food Stamps

To Get Help

You can ask about your hearing rights or free legal aid at the state information number.

Call toll free: 1-800-952-5253
If you are deaf and use TDD call: 1-800-952-8349

If you don't want to come to the hearing alone, you can bring a friend, an attorney or anyone else. You must get the other person yourself.

You may get free legal help at your local legal aid office or welfare rights group.

Other Information

Child Support: The District Attorney's office will help you collect child support even if you are not on cash aid. There is no cost for this help. If they now collect child support for you, they will keep doing so unless you tell them in writing to stop. They will send you any current support money collected. They will keep past due money collected that is owed to the county.

Family Planning: Your welfare office will give you information when you ask.

Working File: If you ask for a hearing, the State Hearing Office will set up a file. You have the right to see this file. The State may give your file to the Welfare Department, the U.S. Department of Health and Human Services and the U.S. Department of Agriculture. (W. & I. Code Section 10950)

HOW TO ASK FOR A STATE HEARING

The best way to ask for a hearing is to fill out this page and send or take it to:

You may also call 1-800-952-5253.

HEARING REQUEST

I want a hearing because of an action by the Welfare Department of _____ County about my

☐ Cash Aid ☐ Food Stamps ☐ Medi-Cal
☐ Other (list) _____

Here's why: _____

I will bring this person to the hearing to help me
(name and address, if known):

I need an interpreter at no cost
to me. My language or dialect is: _____

My name: _____

Address: _____

Phone: _____

My signature _____

Date: _____

